

**CITY OF FORT WORTH, TEXAS  
REGULAR CITY COUNCIL MEETING  
MARCH 2, 2010**

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**Present**

Mayor Mike Moncrief  
Mayor Pro tem Daniel Scarth, District 4  
Council Member Salvador Espino, District 2  
Council Member W. B. "Zim" Zimmerman, District 3  
Council Member Frank Moss, District 5  
Council Member Jungus Jordan, District 6  
Council Member Carter Burdette, District 7  
Council Member Kathleen Hicks, District 8  
Council Member Joel Burns, District 9

**Staff Present**

Dale Fisseler, City Manager  
David Yett, City Attorney  
Marty Hendrix, City Secretary

**I. CALL TO ORDER**

With a quorum of the City Council Members present, Mayor Moncrief called the regular session of the Fort Worth City Council to order at 7:01 p.m. on Tuesday, March 2, 2010, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

**II. INVOCATION - Reverend Frankie Watley, Evangel Temple**

The invocation was provided by Reverend Frankie Watley, Evangel Temple.

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**IV. CONSIDERATION OF MINUTES OF REGULAR MEETING OF FEBRUARY 23, 2010**

Motion: Council Member Jordan made a motion, seconded by Council Member Espino, that the minutes of the regular meeting of February 23, 2010, be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**V. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA**

There were no items withdrawn from the Consent Agenda.

**VI. ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF**

City Manager Fisseler requested that Mayor and Council Communication Nos. L-14935 be continued until the April 6, 2010, Council meeting; G-16812 be withdrawn from consideration and C-24076 be withdrawn from consideration and replaced with M&C C-24076 (Revised).

**VII. CONSENT AGENDA**

Motion: Council Member Hicks made a motion, seconded by Council Member Zimmerman, that the Consent Agenda be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**A. General - Consent Items**

**1. M&C G-16854 - Adopting Resolution No. 3861-03-2010 Ratifying the Lawsuit Entitled City of Fort Worth and Dale Fisseler in His Official Capacity as City Manager and as Officer for Public Information v. Greg Abbott, Attorney General of Texas, Cause No. D-1-GV-10-000109; Filed by the City Attorney on February 1, 2010, in the 201st District Court of Travis County, Texas.**

**2. M&C G-16855 - Authorizing the City Manager to Retain James Griffin of the Law Firm of Jackson Walker, L.L.P., as Outside Counsel, Pursuant to Chapter VI, Section 3 of the City Charter, to Assist the City Attorney in Representing the City in Regard to Certain Employment Tax, Labor and Employment Law Related Issues; and Adopting Resolution No. 3862-03-2010 Fixing in Advance, as Far as Practicable, the Amount to be Paid to Jackson Walker, in an Amount Not to Exceed \$5,000.00.**

**3. M&C G-16856 - Adopting Resolution No. 3863-03-2010 Increasing the Maximum Amount to be Paid to Professional Services Industries, Inc., for Expert Witness Services Regarding Premature Street Failures in an Amount Not to Exceed \$325,000.00; and Adopting Supplemental Appropriation Ordinance No. 19049-03-2010 Increasing the Estimated Receipts and Appropriations in the General Fund in the Amount of \$25,000.00, and Decreasing the Unreserved, Undesignated Fund Balance by the Same Amount, for Geotechnical and Expert Witness Services Regarding Premature Street Failures.**

**4. M&C G-16857 - Adopting Ordinance No. 19050-03-2010 Amending the Code of the City of Fort Worth by Repealing the Content of Sections 22-261 through 22-266 of Division 2, "Registration" of Article VII, "Bicycles" of Chapter 22, "Motor Vehicles and Traffic" Regarding the Registration of Bicycles but Reserving the Division for Future Use.**

**(VII. CONSENT AGENDA Continued)**

**5.M&C G-16858 - Considering and Adopting the Following Findings of the Ground Transportation Coordinator: the Public Necessity and Convenience Require the Operation of Five (5) Horse-Drawn Carriages Upon the City Streets, Alleys and Thoroughfares; Texas Stage Line is Qualified and Financially Able to Conduct a Horse-Drawn Carriage Service within the City; Texas Stage Line has Complied with the Requirements of Chapter 34 of the City Code; Texas Stage Line Presented Facts in Support of Compelling Demand and Necessity for Five (5) Horse Drawn Carriages; the General Welfare of the Citizens of the City will Best be Served by the Addition of Five (5) Horse-Drawn Carriages Upon City Streets, Alleys and Thoroughfares; and Adopting Ordinance No. 19051-03-2010 Granting the Privilege of Operating Authority to Texas Stage Line for the Use of the Streets, Alleys and Public Thoroughfares of the City in the Conduct of its Horse Drawn Carriage Business, which Shall Consist of the Operation of Five (5) Horse Drawn Carriages for a Three (3) Year Period Beginning on the Effective Date; Specifying the Terms and Conditions of the Grant; Providing for Written Acceptance by Texas Stage Line; and Conditioned Upon Texas Stage Group Complying with All Requirements of Chapter 34, Article VI of the Code of the City of Fort Worth (1986), as Amended.**

**D. Planning & Zoning - Consent Items**

**1.M&C PZ-2871 - Adopting Ordinance No. 19052-03-2010 Vacating and Extinguishing a Portion of a Twelve (12) Foot Wide Alley Right-of-Way, Between West Rosedale Street and West Oleander Street, Located Adjacent to Lots 1-14, Block 2 of McAnulty and Nesbitts Subdivision of Block 15 Fields Addition, an Addition to the City of Fort Worth, Tarrant County, Texas; and Containing Approximately 3,756 Square Feet of Land More or Less; Providing for Reversion of Fee in Said Land; Providing that the City Shall Retain All Existing Utilities Easements; and Waiving Any and All Purchase Fee Value of the Vacated Land in Accordance with City Policy (M&C G-15624).**

**2.M&C PZ-2872 - Adopting Ordinance No. 19053-03-2010 Vacating and Extinguishing a Portion of a Twelve (12) Foot Wide Alley Right-of-Way, Between Summit Avenue and Penn Street, Located Adjacent to Lots 1 and 4, Block 33, Jennings West Addition, an Addition to the City of Fort Worth, Tarrant County, Texas; and Containing Approximately 0.028 of an Acre or 1,200 Square Feet of Land More or Less; Providing for Reversion of Fee in Said Land; Providing that the City Shall Retain All Existing Utilities Easements; and Waiving Any and All Purchase Fee Value of the Vacated Land in Accordance with City Policy (M&C G-15624).**

**(VII. CONSENT AGENDA Continued)**

**E. Award of Contract - Consent Items**

- 1. M&C C-24107 - Authorizing the Transfer of \$167,624.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the Amount of \$144,930.00 and the Sewer Capital Projects Fund in the Amount of \$22,694.00; Adopting Appropriation Ordinance No. 19054-03-2010 Increasing the Estimated Receipts and Appropriations in the Water Capital Projects Fund and in the Sewer Capital Projects Fund, from Available Funds, for the 2004 Capital Improvement Program Year 4 Contract 43; and Authorizing the City Manager to Execute the Contract with McClendon Construction Company, Inc., in the Amount of \$416,131.40 for the Reconstruction of Jeff Street and Nelson Avenue.**
- 2. M&C C-24108 - Authorizing the Transfer of \$35,939.00 from the Water and Sewer Operating Fund to the Sewer Capital Projects Fund; Adopting Appropriation Ordinance No. 19055-03-2010 Increasing the Estimated Receipts and Appropriations in the Sewer Capital Projects Fund, from Available Funds, for City Secretary Contract Number 38333, Change Order Number 2 for Pavement Reconstruction and Water and Sanitary Sewer Main Replacement on Portions of Canton Drive, Church Street, Halbert Street and Van Natta Lane; and Authorizing the City Manager to Execute Change Order No. 2 in the Amount of \$48,170.00 to City Secretary Contract No. 38333 with Stabile & Winn, Inc., Thereby Revising the Total Contract Amount to \$2,225,404.42.**
- 3. M&C C-24109 - Authorizing the City Manager to Execute Amendment No. 3 in the Amount of \$31,348.00 to City Secretary Contract No. 35845 with Freese and Nichols, Inc., for Additional Design Services for the Old Hemphill Citizen Drop-Off Station Located at 6260 Old Hemphill Road, Thereby Increasing the Contract Amount to \$215,823.00.**
- 4. M&C C-24110 - Approving the Request of Downtown Fort Worth Initiatives, Inc., for Various Temporary Street Closures from April 5, 2010, through April 12, 2010, to Accommodate the 2010 Main Street Fort Worth Arts Festival and Authorize an Agreement with the Texas Department of Transportation to Temporary Close Lanes on State Business Highway 287.**
- 5. M&C C-24111 - Authorizing the City Manager to Execute an Engineering Services Agreement in the Amount of \$444,283.00 with Dunaway Associates, L.P., for the Design of Summer Creek Drive from Risinger Road to McPherson Boulevard, Summer Creek Drive from Summer Park Drive to Risinger Road and McPherson Boulevard from Summer Creek Drive East to the Corner of Southwest Community Park.**

**(VII. CONSENT AGENDA Continued)**

**6. M&C C-24112 - Authorizing the Transfer of \$21,601.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the Amount of \$10,800.50 and Sewer Capital Projects Fund in the Amount of \$10,800.50; Adopting Appropriation Ordinance No. 19056-03-2010 Increasing the Estimated Receipts and Appropriations in the Water Capital Projects Fund and in the Sewer Capital Projects Fund, from Available Funds, for Water and Sanitary Sewer Replacement Contract 2004 STM-H on Alton Road, Ann Arbor Court, Corto Avenue, Dryden Road, Marquette Court, Rashti Court and Shelby Drive; and Authorizing the City Manager to Execute Amendment No. 2 to City Secretary Contract No. 32129 with GSWW, Inc., Thereby Increasing the Contract Amount to \$142,816.00.**

**7. M&C C-24113 - Authorizing the Transfer of \$96,645.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund; Adopting Appropriation Ordinance No. 19057-03-2010 Increasing the Estimated Receipts and Appropriations in the Water Capital Projects Fund, from Available Funds, for Water and Sanitary Sewer Replacement Contract 2005 WSM-K Part 1, on Rand Avenue, Raton Drive, Santa Fe Trail and Broadmoor Drive; and Authorizing the City Manager to Execute Change Order No. 1 to City Secretary Contract No. 38694 with Rodgers Construction Company, Thereby Increasing the Contract Amount to \$1,171,412.46.**

**8. M&C C-24114 - Authorizing the Transfer of \$688,145.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the Amount of \$452,080.00 and Sewer Capital Projects Fund in the Amount of \$236,065.00; Adopting Appropriation Ordinance No. 19058-03-2010 Increasing the Estimated Receipts and Appropriations in the Water Capital Projects Fund and in the Sewer Capital Projects Fund, from Available Funds, for Water and Sanitary Sewer Relocations on Longhorn Road from Old Decatur Road to U.S. Business Highway 287, Part 2; and Authorizing the City Manager to Execute the Contract in the Amount of \$618,145.00 with Conatser Construction TX, L.P.**

**9. M&C C-24115 - Authorizing the Transfer of \$24,846.00 from the Water and Sewer Operating Fund to the Sewer Capital Projects Fund; Adopting Appropriation Ordinance No. 19059-03-2010 Increasing the Estimated Receipts and Appropriations in the Sewer Capital Projects Fund, from Available Funds, for Sanitary Sewer Rehabilitation Contract LIX (59) on Kingswood Drive, Heirloom Drive, East Maddox Avenue and Mitchell Boulevard; and Authorizing the City Manager to Execute Amendment No. 4 to City Secretary Contract No. 27555 with A.N.A. Consultants, L.L.C., Thereby Increasing the Contract Amount to \$217,704.00.**

**VIII. PRESENTATIONS BY THE CITY SECRETARY - CONSENT ITEMS**

**1. OCS - 1760 - Notice of Claims for Alleged Damages and/or Injuries**

End of Consent Agenda.

**IX. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.**

**1. Presentation by the Fort Worth Police Bike Support Group**

Police Officer Jeff Bryan provided a brief history of the Fort Worth Police Bike Group and introduced Mr. John Joyce, President of the Fort Worth Police Bike Support Group (BPSG).

Mr. Joyce stated the BPSG was founded in 1987 in an effort to support the bicycle units. He further stated that in addition to providing specialized equipment, the BPSG sent bicycle officers to advanced bicycle training programs, provided monthly awards to recognize outstanding performance, and hosted an annual appreciation dinner and award banquet for the bicycle officers and bicycle riding neighborhood Police Officers. He advised that BPSG had donated 25 bicycles to the City of Fort Worth and hoped to raise \$100,000.00 to support the bicycle units this year.

Police Chief Jeff Halstead expressed appreciation to the BPSG for this donation.

**X. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF**

**1. Upcoming and Recent Events**

Council Member Zimmerman announced that the Camp Bowie Public Improvement District would hold a public meeting regarding Form-Based Code Zoning on Camp Bowie on March 9, 2010, at 6:30 p.m. at the Ridglea Country Club and encouraged residents who lived in the Camp Bowie Corridor to attend the meeting.

Council Member Moss announced that planning for the Stop AIDS Leadership Project Celebration for Life Concert, sponsored in part by the City of Fort Worth, AIDS Outreach Center, and the Tarrant County Health Department, was underway and would be held on April 13, 2010, from 1:00 p.m. to 6:00 p.m., at the Fort Worth Convention Center. He advised admission to the concert was free for any individual who had been tested for AIDS or had attended an educational class. He stated that individuals could be tested on March 6, 2010, at the Forest Hill Community Center, located at 6800 Forest Hill Drive, from 9:00 a.m. to 6:00 p.m., and on March 13, 2010, at the Tarrant County Sub-Courthouse, Precinct 1, located at 3500 Miller Avenue.

Mayor Moncrief announced that former City Council Member and Mayor Pro tem Margret McDonald Rimmer passed away on February 23, 2010, and stated she was the first woman to be named to the Mayor Pro tem position. He added that she was a prominent figure in the radio and television industry and had her own television show on Channel 5 called "What's Cookin' with Margret". He advised that the Council meeting would be adjourned in her memory. He also announced that the ribbon cutting for the Museum of Living Art (MOLA), the new exhibit at the Fort Worth Zoo would be held on March 4, 2010, at 9:00 a.m., and the grand opening would be held on March 6, 2010. He encouraged everyone to attend the events and visit the 30,000 square foot complex of animals and plants.

**(X. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF Continued)**

**2. Recognition of Citizens**

There were no citizens recognized at this time.

**XI. PRESENTATIONS BY THE CITY COUNCIL**

**1. Changes in Membership on Boards and Commissions**

There were no changes in membership on boards and commissions.

**2. Council Proposal No. 282 - City-Initiated Zoning Changes for Legal Nonconforming Pawn Shops**

Council Member Moss provided a brief overview of Council Proposal No. 282 and stated this proposal would initiate zoning changes for sixteen (16) legal nonconforming pawn shops from “E” Neighborhood Commercial to “PD/E” Planned Development for E uses plus pawn shop, with a site plan waiver.

Motion: Council Member Moss made a motion, seconded by Mayor Pro tem Scarth, that Council Proposal No. 282 be continued until the March 9, 2010, Council meeting for final action by the City Council. The motion carried unanimously nine (9) ayes to zero (0) nays.

**XII. PRESENTATIONS AND/OR COMMUNICATIONS FROM BOARDS, COMMISSIONS AND/OR CITY COUNCIL COMMITTEES**

There were no presentations and/or communications from boards, commissions and/or City Council committees.

**XIII. RESOLUTIONS**

**1. A Resolution Appointing Dan Piotrowski to the Board of Directors of Tax Increment Reinvestment Zone Number Eight, City of Fort Worth, Texas (Lancaster Corridor TIF) effective March 2, 2010, and with a term expiring December 31, 2011.**

Motion: Council Member Burdette made a motion, seconded by Council Member Moss, that Resolution No. 3864-03-2010 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

#### XIV. REPORT OF THE CITY MANAGER

##### B. General

1. It was the Consensus of the Council that Mayor and Council Communication No. G-16812, Consider a Waiver Request by XTO Energy for a Multiple Gas Well Pad Site Permit and Issuance of a Gas Well Permit Less Than 600 Feet from a Protected Use for the Wesco Lease Located at 580 East Rosedale Street, be Withdrawn from Consideration as Requested by the Applicant.

2. M&C G-16859 - Approve the Applications from Multiple Property Owners for Verification of the Historic Site Tax Exemption for 2100 Tremont Avenue, 2104 Tremont Avenue, 2425 North Edgewood Terrace, 1924 Sixth Avenue, 1512 Lipscomb Street, 2218 Harrison Avenue, 2216 Fifth Avenue, 1700 Fifth Avenue, 1211 Park Place, 2200 Washington Avenue, 2204 Fifth Avenue, 1808 Fairmount Avenue, 1523 Alston Avenue, 2017 Hurley Avenue and 1626 Lipscomb Street.

Motion: Council Member Hicks made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. G-16859 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

3. M&C G-16860 - Consider a Waiver Request by XTO Energy, Inc., for a Permit to Drill a Gas Well Less Than 600 Feet from a Protected Use to Allow the Drilling of One Gas Well on the Amon G. Carter Lease Located at 8494 Boat Club Road.

Mayor Pro tem Scarth advised that he had filed a Conflict of Interest Affidavit with the City Secretary's Office and would abstain from voting on this item.

(Mayor Pro tem Scarth left his place at the dais.)

Motion: Council Member Burdette made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. G-16860 be continued until the March 9, 2010, Council meeting. The motion carried unanimously eight (8) ayes to zero (0) nays, with one (1) abstention by Mayor Pro tem Scarth.

(Mayor Pro tem Scarth returned to his place at the dais.)

**4. M&C G-16861 - Authorize the Execution of Special Warranty Deeds Conveying 137.743 +/- Acres (Fee Areas) to the State of Texas, Acting by and through the Texas Transportation Commission; Authorize the Execution of Special Warranty Deeds Conveying 0.50 +/- Acres of Perpetual Easements (Permanent Easement Areas) to the State; and Authorize the Execution of an Escrow Agreement Between the Dallas/Fort Worth International Airport Board and the Cities of Dallas and Fort Worth, Texas, Providing for Deposit of Funds from the Conveyances Into an Escrow Account Pending Determination of Proper Distribution of the Proceeds of the Sales of the Fee Areas and the Permanent Easement Areas Relating to the DFW Connector Project.**

Motion: Council Member Jordan made a motion, seconded by Council Member Burdette, that Mayor and Council Communication No. G-16861 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**5. M&C G-16862 - Authorize the Transfer of \$219,931.00 from Tax Increment Reinvestment Zone Nos. 7, 8, 12 and 13 (the North Tarrant Parkway TIF, the Lancaster Corridor TIF, the East Berry Renaissance TIF and the Woodhaven TIF), to the Special Trust Fund and Accept \$26,000.00 from the Fort Worth Local Development Corporation to the Special Trust Fund to Fully Fund Two (2) Positions and Partially Fund Another Two (2) Positions in the Housing and Economic Development Department Related to Fiscal Year 2009-2010 Administration of Tax Increment Reinvestment Zones and the Fort Worth Local Development Corporation; and Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Special Trust Fund in the Amount of \$245,931.00, from Available Funds.**

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. G-16862 be approved and Appropriation Ordinance No. 19060-03-2010 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**6. M&C G-16863 - Authorize the City Manager to Submit the Noise Compatibility Program for Fort Worth Alliance Airport to the Federal Aviation Administration as Required by the FAR Part 150 Noise Compatibility Study Conducted by URS Corporation. (PUBLIC HEARING)**

Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

**a. Report of City Staff**

Mr. Kent Penney, Director, Aviation Department, appeared before Council and provided a staff report.

(G-16863 Continued)

**b. Citizen Presentations**

Mr. Matthew Spaethe, 613 Blue Mound Road East, Haslet, Texas 76052, appeared before Council in support of Mayor and Council Communication No. G-16863. He stated his property was located in the Haslet Extraterritorial Jurisdiction and added that noise associated with Alliance Airport also affected property owners outside of Fort Worth.

**c. Council Action**

Motion: Council Member Espino made a motion, seconded by Council Member Jordan, that the public hearing be closed and Mayor and Council Communication No. G-16863 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**D. Land**

1. It was the Consensus of the Council that Mayor and Council Communication No. L-14935, Authorize the Execution of an Amendment in the Amount of \$29,988.33 to City Secretary Contract No. 37369 with Texas Midstream Gas Services, L.L.C., for Additional Length of Natural Gas Pipeline and Temporary Access Across City-Owned Properties in the Preston Witt Survey and William C. Trimble Survey Known as the Northeast Landfill Property Located at 6991 Randol Mill Road, be Continued Until the April 6, 2010, Council Meeting.

2. M&C L-14936 - Authorize the Acceptance of a Lease Agreement in the Amount of \$11,772,001.80 for Natural Gas Drilling Under 1,006.154 Acres more or less of City-Owned Properties Known as Village Creek Wastewater Treatment Plant Located 4500 Wilma Lane, to Quicksilver Resources, Inc., for a Two (2) Year Primary Term.

Motion: Council Member Moss made a motion, seconded by Mayor Pro tem Scarth, that Mayor and Council Communication No. L-14936 be approved with appreciation to Planning and Development Department staff. The motion carried unanimously nine (9) ayes to zero (0) nays.

3. M&C L-14937 - Authorize the Condemnation and Declare the Necessity of Taking and Interest in 0.058 Acre of Land Out of the J.R. Knight Survey, Abstract No. 902, Tarrant County, Texas, and Owned by Alfred Lee and Susan Newton Finley, MBS Holdings, Inc., Mayfield/Swain, L.P., Mayfield Building, L.L.C., Builders FirstSource-Texas Group, L.P., and BuildersFirstSource-Texas Genpar, L.L.C., for Right-of-Way Required for the Widening of Golden Triangle Boulevard; Authorize the City Attorney to Institute Condemnation Proceedings to Acquire the Interest in the Land; and Authorize the Acceptance and Recording of Appropriate Instruments.

**(L-14937 Continued)**

Motion: Council Member Espino made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. L-14937 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**F. Award of Contract**

**1. It was the Consensus of the Council that Mayor and Council Communication No. C-24076, Authorize the Change in Use and Expenditure of \$100,000.00 in Additional Community Development Block Grant Funds for the Community Center Security Improvements Project and Authorize Substantial Amendment to the City's 2008-2009 and 2009-2010 Action Plans, be Withdrawn from Consideration.**

**2. M&C C-24076 - (Revised) Authorize a Substantial Amendment to the City's 2008-2009 and 2009-2010 Action Plans to Change the Use and Add Additional Funds to the Community Center Security Improvements Project; and Authorize the Expenditure of an Additional \$100,000.00 of Community Development Block Grant Funds.**

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that Mayor and Council Communication No. C-24076 (Revised) be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**3. M&C C-24116 - Authorize the City Manager to Execute a Public Right-of-Way Use Agreement with Barnett Gathering, L.P., to Install and Operate a Natural Gas Gathering Pipeline Across Bryant Irvin Road, South of Trailview and Across Bellaire Drive, North of Meadows West Drive for a One (1) Time License Fee of \$9,568.00.**

Motion: Council Member Zimmerman made a motion, seconded by Council Member Jordan, that Mayor and Council Communication No. C-24116 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**4. M&C C-24117 - Authorize a Substantial Amendment to the City's 2009-2010 Action Plan to Change the Use and Add Additional Funds to the Hardy Street Project; Authorize the Change in Use and Expenditure of an Additional \$300,000.00 in Community Development Block Grant Funds for Activities Including Demolition and Hazardous Material Removal; and Authorize the City Manager, or His Designee, to Execute an Agreement with Intercon Environmental, Inc., for \$345,000.00 for Demolition of the Structure Located at 3601 Hardy Street.**

**(C-24117 Continued)**

Mr. Jay Chapa, Director, Housing and Economic Development Department, appeared before Council and provided the amended language for Mayor and Council Communication No. C-24117. He advised that the annual contract for demolition and environmental services was capped at \$770,000.00 and stated that staff recommended this contract be separate from the annual contract with Intercon Environmental, Inc., therefore, the funds for this project would not decrease the annual amount budgeted for other City projects.

Motion: Council Member Espino made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. C-24117 be approved as amended. The motion carried unanimously nine (9) ayes to zero (0) nays.

**5. M&C C-24118 - Ratify an Emergency Repair Contract with Craig Olden, Inc., in the Amount of \$118,420.00 for Emergency Repairs of the Retaining Wall Located at Hulen Street and Vickery Boulevard.**

Motion: Council Member Burdette made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. C-24118 be approved with appreciation to the Transportation and Public Works Department staff and Eagle Construction and Environmental Services, LLC. The motion carried unanimously nine (9) ayes to zero (0) nays.

**6. M&C C-24119 - Adopt an Appropriation Ordinance Increasing Estimated Receipts and Appropriations in the Environmental Management Fund in the Amount of \$100,168.00, from Available Funds, for Transportation and Disposal of Contaminated Soils at 2500 Brennan Avenue for the Trinity River Vision Project; and Ratify Emergency Amendment No. 1 to City Secretary Contract No. 39664 with Eagle Construction and Environmental Services, LLC.**

Motion: Council Member Espino made a motion, seconded by Council Member Burns, that Mayor and Council Communication No. C-24119 be approved and Appropriation Ordinance No. 19061-03-2010 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**7. M&C C-24120 - Adopt an Appropriation Ordinance Increasing the Estimated Receipts and Appropriations in the Park Gas Lease Project Fund in the Amount of \$121,017.00, from Gas Well Pipeline Easement Revenues for the Purpose of Transferring Said Funds to the Rockwood Park Ball Field Renovation Project for a Ball Field and Park Improvements; Authorize the Transfer within Park Gas Lease Project Fund from the Unspecified Project to the Rockwood Park Field Renovation Project; and Authorize the City Manager to Execute a Construction Contract with C.R. Reynolds, Inc., in an Amount of \$2,184,851.42 for Ball Field and Park Improvements at Rockwood Park Ball Field Complex.**

**(C-24120 Continued)**

Motion: Council Member Burdette made a motion, seconded by Council Member Zimmerman, that Mayor and Council Communication No. C-24120 be approved and Appropriation Ordinance No. 19062-03-2010 be adopted. The motion carried unanimously nine (9) ayes to zero (0) nays.

**XV. ZONING HEARING**

It appeared to the City Council that the Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the Fort Worth Star-Telegram, the official newspaper of the City of Fort Worth, on February 15, 2010. Mayor Moncrief opened the public hearing and asked if there was anyone present desiring to be heard.

**1. Zoning Docket No. ZC-10-012 - Fernando Diaz, 4037 McCart Avenue; from "E" Neighborhood Commercial to "A-5" One-Family. (Recommended for Approval.)**

Mr. Fernando Diaz, applicant, 6506 Springfield Drive, Arlington, Texas 76016, completed a speaker card in support of Zoning Docket No. ZC-10-012, but did not wish to address the Council.

Motion: Council Member Burns made a motion, seconded by Council Member Zimmerman, that Zoning Docket No. ZC-10-012 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**2. Zoning Docket No. ZC-10-013 - PRP Capital, LLC, 6150 Oakmont Trail; from "C" Medium Density Multi-Family to "PD/C" Planned Development for All Uses in "C" Medium Density Multi-Family Plus Assisted Living; Site Plan Included. (Recommended for Approval.)**

Motion: Council Member Zimmerman made a motion, seconded by Council Member Burdette, that Zoning Docket No. ZC-10-013 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**3. Zoning Docket No. ZC-10-014 - Ashlyn Homes, Inc., 3419 Ellis Avenue; from "E" Neighborhood Commercial to "A-5" One-Family. (Recommended for Approval.)**

Motion: Council Member Espino made a motion, seconded by Council Member Moss, that Zoning Docket No. ZC-10-014 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**4. Zoning Docket No. ZC-10-016 - Marken Interest LTD, ETAL, 7250 Randol Mill Road and 244 Williams Road; from "A-7.5" One-Family, "A-5" One-Family and "C" Medium Density Multi-Family to "CF" Community Facilities. (Recommended for Approval.)**

Mayor Pro tem Scarth requested clarification from the applicant that all of the Sandybrook Neighborhood Association concerns had been addressed.

Mr. Kent Hayden, applicant, 1728 Watersedge Drive, McKinney, Texas 75070, appeared before Council in support of Zoning Docket No. ZC-10-016 and advised that a meeting was held with the Sandybrook Neighborhood Association and all concerns were addressed and an agreement had been reached.

Motion: Mayor Pro tem Scarth made a motion, seconded by Council Member Zimmerman, that Zoning Docket No. ZC-10-016 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

**5. Zoning Docket No. ZC-10-017 - City of Fort Worth Planning & Development, 1619 W. Allen Street, Certain Properties Generally Bounded by S. Adams Street, Vickery Boulevard, South Freeway (I-35W), and Leuda Street; from "NS-T4" Near Southside General Urban, "NS-T4N" Near Southside General Urban Neighborhood, "NS-T5" Near Southside Urban Center, "NS-T5I" Near Southside Urban Center Industrial Zone to Add a Demolition Delay (DD) Overlay. (Recommended for Approval as Amended.)**

Motion: Council Member Hicks made a motion, seconded by Council Member Burns, that Zoning Docket No. ZC-10-017 be approved as amended. The motion carried unanimously nine (9) ayes to zero (0) nays.

City Secretary Hendrix advised that Zoning Docket Nos. ZC-10-018, ZC-10-019, ZC-10-020, ZC-10-021, ZC-10-022, ZC-10-023, ZC-10-024, ZC-10-025, ZC-10-026, ZC-10-027, ZC-10-028, ZC-10-029, ZC-10-030, ZC-10-031, ZC-10-032, ZC-10-033 and ZC-10-034 were surplus properties and would be considered under one (1) motion.

**6. Zoning Docket No. ZC-10-018 - City of Fort Worth Planning & Development, 4917 Melody Lane; from "B" Two-Family to "A-5" One-Family (Recommended for Approval.)**

**7. Zoning Docket No. ZC-10-019 - City of Fort Worth Planning & Development, 1815 Lincoln Avenue; from "B" Two-Family to "A-5" One-Family. (Recommended for Approval.)**

**8. Zoning Docket No. ZC-10-020 - City of Fort Worth Planning & Development, 3322 NW 23rd Street; from "B" Two-Family to "A-5" One-Family. (Recommended for Approval.)**

- 9. Zoning Docket No. ZC-10-021 - City of Fort Worth Planning & Development, 3033 Lackland Road; from "C" Medium Density Multi-Family to "E" Neighborhood Commercial. (Recommended for Approval.)**
- 10. Zoning Docket No. ZC-10-022 - City of Fort Worth Planning & Development, 2712 Hangar Avenue; from "B" Two-Family to "A-5" One-Family. (Recommended for Approval.)**
- 11. Zoning Docket No. ZC-10-023 - City of Fort Worth Planning & Development, 3320 Hangar Avenue; from "B" Two-Family to "A-5" One-Family. (Recommended for Approval.)**
- 12. Zoning Docket No. ZC-10-024 - City of Fort Worth Planning & Development, 3600 Millet Avenue; from "B" Two-Family to "A-5" One-Family. (Recommended for Approval.)**
- 13. Zoning Docket No. ZC-10-025 - City of Fort Worth Planning & Development, 2204 Mitchell Boulevard; from "B" Two-Family to "A-5" One-Family. (Recommended for Approval.)**
- 14. Zoning Docket No. ZC-10-026 - City of Fort Worth Planning & Development, 2001 Schmidt Street; from "B" Two-Family to "A-5" One-Family. (Recommended for Approval.)**
- 15. Zoning Docket No. ZC-10-027 - City of Fort Worth Planning & Development, 2520 Sheraton Drive; from "B" Two-Family to "A-5" One-Family. (Recommended for Approval.)**
- 16. Zoning Docket No. ZC-10-028 - City of Fort Worth Planning & Development, 3229 Thannisch Avenue; from "B" Two-Family to "A-5" One-Family. (Recommended for Approval.)**
- 17. Zoning Docket No. ZC-10-029 - City of Fort Worth Planning & Development, 4617 Meeker Boulevard; from "B" Two-Family to "A-5" One-Family. (Recommended for Approval.)**
- 18. Zoning Docket No. ZC-10-030 - City of Fort Worth Planning & Development, 1906 Avenue B; from "B" Two-Family to "A-5" One-Family. (Recommended for Approval.)**
- 19. Zoning Docket No. ZC-10-031 - City of Fort Worth Planning & Development, 3504 Avenue I; from "B" Two-Family to "A-5" One-Family. (Recommended for Approval.)**
- 20. Zoning Docket No. ZC-10-032 - City of Fort Worth Planning & Development, 1203 Bradley Street; from "B" Two-Family to "A-5" One-Family. (Recommended for Approval.)**
- 21. Zoning Docket No. ZC-10-033 - City of Fort Worth Planning & Development, 1929 Burchill Road; from "B" Two-Family to "A-5" One-Family. (Recommended for Approval.)**

**22. Zoning Docket No. ZC-10-034 - City of Fort Worth Planning & Development, 304 W. Hammond Street; from "B" Two-Family to "A-5" One-Family. (Recommended for Approval.)**

Motion: Council Member Hicks made a motion, seconded by Council Member Zimmerman, that Zoning Docket Nos. ZC-10-018, ZC-10-019, ZC-10-020, ZC-10-021, ZC-10-022, ZC-10-023, ZC-10-024, ZC-10-025, ZC-10-026, ZC-10-027, ZC-10-028, ZC-10-029, ZC-10-030, ZC-10-031, ZC-10-032, ZC-10-033 and ZC-10-034 be approved. The motion carried unanimously nine (9) ayes to zero (0) nays.

There being no one else present desiring to be heard in connection with the recommended changes and amendments to Zoning Ordinance No. 13896, Council Member Hicks made a motion, seconded by Council Member Zimmerman, that the hearing be closed and that the following ordinance be adopted:

**ORDINANCE NO. 19063-03-2010**

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, SAME BEING AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY RESIDENCE AND OTHER PURPOSES, THE HEIGHT, NUMBER OF STORIES AND SIZE OF THE BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, OFF-STREET PARKING AND LOADING, AND THE DENSITY OF POPULATION, AND FOR SUCH PURPOSES DIVIDING THE MUNICIPALITY INTO DISTRICTS AND THE BOUNDARIES THEREOF UPON "DISTRICT MAPS"; PURPOSE AND CONFLICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND NAMING AN EFFECTIVE DATE.

The motion carried unanimously nine (9) ayes to zero (0) nays.

**23. Zoning Docket No. ZC-10-036 - City of Fort Worth Planning & Development Department: Text Amendment: Government Vehicle Storage Yard/Junkyard and Towing Yard with Office: An Ordinance Amending the Zoning Ordinance of the City of Fort Worth, Being Ordinance No. 13896, as Amended, Codified as Appendix "A" of the Code of The City of Fort Worth, to Amend: Article 8 "Nonresidential District Use Table", of Chapter 4, "District Regulations"; Amending Section 4.803, "the Nonresidential District Use Table" to Add Governmental Vehicle Storage Yard/Junkyard as a Permitted Use in "J" Medium and "K" Heavy Industrial Districts; to Add Towing Yard With Office as a Permitted Use in "I" Light, "J" Medium and "K" Heavy Industrial; and to Add Outside Storage or Display as a Permitted Accessory Use in "J" Medium and "K" Heavy Industrial. (Recommended for Approval.) (Continued from February 23, 2010.)**

**(Zoning Docket No. ZC-10-036 Continued)**

Motion:           There being no one present desiring to heard in connection with the Text Amendment, Council Member Hicks made a motion, seconded by Council Member Espino, that the Zoning Hearing be closed, and Zoning Docket No. ZC-10-036 be approved, and the following ordinance be adopted:

**ORDINANCE NO.19064-03-2010**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING ARTICLE 8 "NONRESIDENTIAL DISTRICT USE TABLE", OF CHAPTER 4, "DISTRICT REGULATIONS"; AMENDING SECTION 4.803, "THE NONRESIDENTIAL DISTRICT USE TABLE" TO ADD GOVERNMENTAL VEHICLE STORAGE YARD/JUNKYARD AS A PERMITTED USE IN "J" MEDIUM AND "K" HEAVY INDUSTRIAL DISTRICTS; TO ADD TOWING YARD WITH OFFICE AS A PERMITTED USE IN "T" LIGHT, "J" MEDIUM AND "K" HEAVY INDUSTRIAL; AND TO ADD OUTSIDE STORAGE OR DISPLAY AS A PERMITTED ACCESSORY USE IN "J" MEDIUM AND "K" HEAVY INDUSTRIAL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

The motion carried unanimously nine (9) ayes to (0) nays.

**XVI. CITIZEN PRESENTATIONS**

**1. [Mr. Joe Don Brandon, P.O. Box 1155 - Texas Black Workers Update](#)**

Mr. Joe Don Brandon, P.O. Box 1155, appeared before Council and provided various photographs of Fort Worth, including the "Liberty Man" and Molly the Trolley in the snow. He also stated he was providing a picture of Molly the Trolley to the Council Members as a gift. He also advised that he would be providing a copy of photographs of various bicycle Police Officers and events to the Police Department. He further stated that a hotdog vendor near The T was not in compliance with the City Code and was serving food using unsanitary methods and provided copies of e-mails from the Code Compliance Department stating the vendor had passed the inspection and requested that the site be inspected again. He also added that the water drain on the bus drained into the bus driver's face and was going to cause an accident and needed to be investigated.

Mr. Donald Cureton, representing Chapel Creek Church, 10129 Chapel Glen Terrace, appeared before Council regarding the proposed Mary's Creek Wastewater Treatment Plant and expressed concern over decreased property values as well as water and air quality. He requested information be provided to him regarding leakage rates and a comparison of the proposed plant to the Village Creek Plant.

**(XVI. CITIZEN PRESENTATIONS Continued)**

Mayor Moncrief referred Mr. Cureton to Mr. Frank Crumb, Director, Water Department, for clarification of the information he had requested.

Mr. George Barnes, 5300 Helmick Avenue, appeared before Council and submitted a petition with 338 signatures against the Samaritan House project which is proposed on Vickery Boulevard at Horne Street (site of the current Vickery Motel). He also stated there had been no mention of infill of medium and higher income house in the Como Community.

Mayor Moncrief took this opportunity to bring Mr. Barnes up-to-date on the conditions of the Vickery Motel which had been presented in the Pre-Council meeting.

**XVIII. ADJOURNMENT**

There being no further business the meeting was adjourned at 7:43 p.m. in memory of former City Council Member and Mayor Pro tem Margret McDonald Rimmer, who passed away on February 23, 2010, and was the first woman to be named to the Mayor Pro tem position.